

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Commission,) Application No. 911-037/PI-140
on its own motion, seeking to)
investigate changes in terms of)
Qwest/Positron hardware and) ORDER MAKING FINDINGS AND
software maintenance program.) CLOSING DOCKET
)
) Entered: October 21, 2008

BY THE COMMISSION:

O P I N I O N A N D F I N D I N G S

On September 30, 2008, the Nebraska Public Service Commission (Commission) opened the above-captioned docket, on its own motion, seeking to investigate changes in terms of Qwest/Positron hardware and software maintenance program.

On or about April 23, 2008, Qwest/Positron sent correspondence to the Commission indicating that the terms of maintenance agreements were changing with respect to the length of the coverage of the maintenance programs. Funding for multiple counties affected by the change had already been approved. The changes are due to the fact that the costs for labor during the warranty period were no longer included in the original purchase order effective January, 2008. Based upon the information provided on the existing hardware maintenance agreements, only Sarpy County is affected by this change. However, the software maintenance covers the warranty period plus four (4) years commencing on the date of installation. Therefore, although the total amount approved for each PSAP remains unchanged, the annual installments must be made over a four-year rather than five-year period. The following PSAPs are affected by this change: Box Butte/Alliance; Chase County/Imperial; Cheyenne County/Sidney; Cuming County/West Point; Dawes County/Chadron; Dawson County/Lexington; Howard County/St. Paul; Keith County/Ogallala; Perkins County/Grant; Sarpy County/Papillion; and Buffalo County/Kearney.

A hearing on this matter was held on October 9, 2008, in order to receive testimony regarding the nature and impact of the changes in Qwest/Positron's maintenance program. Mr. Roger Adams testified on behalf of Qwest. Based upon the April 23, 2008 letter and Mr. Adams' testimony, the change in the maintenance program was a clarification regarding the term of the maintenance contracts. The changes will affect public safety answering points (PSAPs) for the following counties: Box Butte, Chase, Cheyenne, Cuming, Dawes, Dawson, Howard, Keith, Perkins, Sarpy and Buffalo.

The Commission finds that the clarification provided by Qwest/Positron is sufficient and that the funding for the above-mentioned PSAPs should be amended accordingly.

The Commission further finds that this docket should be closed.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the clarification provided by Qwest/Positron is sufficient and that the funding for the above-mentioned PSAPs should be amended accordingly.

IT IS FURTHER ORDERED that the docket is hereby closed.

MADE AND ENTERED at Lincoln, Nebraska, this 21st day of October, 2008.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chair

ATTEST:

Executive Director